## UNITED STATES DISTRICT COURT WESTERN DISTRICT OF NORTH CAROLINA CHARLOTTE DIVISION 3:20-cv-00009-MOC

(3:16-cr-00233-MOC)

JAMES SCOTT ERVIN, JR.,	)
Petitioner,	)
vs.	ORDER
UNITED STATES OF AMERICA,	)
Respondent.	)
	)

**UPON MOTION** of the Government to hold this action in abeyance pending the issuance of the mandate by the Fourth Circuit Court of Appeals in <u>United States v. Gary</u>, 954 F.3d 194 (4th Cir. 2020).

**IT IS HEREBY ORDERED** that the Motion to Hold Petitioner's Motion to Vacate in Abeyance [Doc. 7] is **GRANTED**. The Government shall respond to the Petitioner's Motion to Vacate within 45 days of the Fourth Circuit's mandate in <u>United States v. Gary</u>, 954 F.3d 194 (2020).

Signed: June 6, 2020

Max O. Cogburn Jr United States District Judge